

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 11 SEPTEMBER 2013**

COUNCILLORS

PRESENT Derek Levy, George Savva MBE and Dogan Delman

ABSENT

OFFICERS: Mark Galvayne (Principal Licensing Officer), Catriona McFarlane (Legal Services Representative), Jane Creer (Democratic Services)

Also Attending: Matthew Watts (Parks Business Strategy & Partnerships Manager)
Hakema Anderson (Senior Business Support Officer)
Councillor Robert Hayward (Southgate Ward Councillor)
6 Interested Parties and 2 Press representatives

279

WELCOME AND APOLOGIES

The Chairman welcomed all those present, introduced the Members, clarified speaking arrangements, and explained the order of the meeting.

280

DECLARATION OF INTERESTS

NOTED

1. There were no declarations of interest in respect of any items on the agenda.
2. None of the parks and open spaces listed were located in areas represented by the Members of this Licensing Sub-Committee.
3. As Bush Hill Park and Enfield Playing Fields were located in Southbury Ward where Councillor Levy was a ward councillor, applications in relation to new premises licences for those parks would be considered at a separate Licensing Sub-Committee meeting on 18 September with a different membership.

281

**APPLICATIONS FOR 15 NEW PREMISES LICENCES FOR ENFIELD
PARKS AND OPEN SPACES**

RECEIVED applications made by the Council's Parks Service for 15 Parks and Open Spaces for new Premises Licenses.

LICENSING SUB-COMMITTEE - 11.9.2013

1. The opening statement of Mark Galvayne, Principal Licensing Officer, including the following points:
 - a. Applications were made by the Council's Parks Service for 15 new premises licences.
 - b. The Parks Service already held eight premises licences.
 - c. The Parks Service had made applications for 17 new premises licences in total. 15 of those were to be determined at this meeting and two at a further Licensing Sub-Committee meeting next week for the reason given above.
 - d. Details of licensable activities sought were set out on page 6 of the agenda. A premises licence was sought for regulated entertainment between 08:00 and 23:00 every day for each of the parks listed apart from Library Green. The application for Library Green differed slightly as the activities sought were limited to films and recorded music.
 - e. A letter from the Parks Service to all enquirers was set out on pages 9 to 12, giving the reasons for making the applications and addressing concerns raised.
 - f. The proposed conditions to be imposed on each licence were set out on pages 7 and 8.
 - g. It was confirmed that the applications did not seek authorisation for the sale / supply of alcohol at any of the 15 premises.
 - h. It was confirmed that the applications were advertised in accordance with the regulations of the Licensing Act 2003.
 - i. It was confirmed that each of the responsible authorities (including the Fire Brigade, Police Service, Environmental Health, Trading Standards and the Child Protection Board) were consulted in respect of the applications, and that no authority had made any representation.
 - j. Representations from other persons were summarised on pages 2 and 3, and all letters, emails and petitions received were included as annexes 04 to 18 to the report.

2. The statement of Mr Andrew Parsons, further to written representations (page 41-43) in respect of the application for premises licence for Oakwood Park, including the following points:
 - a. There had been 77 objections against the application for Oakwood Park: the highest number received of any of the 15 parks. This was a significant number of objections and should be treated very seriously.
 - b. He considered that the proposal did not promote the licensing objectives and that the conditions proposed were wholly inadequate.
 - c. Oakwood Park was in the middle of a wholly residential area, with no commercial activity anywhere near it.
 - d. The prevention of crime and disorder seemed to be dealt with by way of a risk assessment, which was an insufficient response and not a basis on which to grant the licence. There was no proper evidence that prevention of crime and disorder would be properly addressed.
 - e. In addition to obvious potential crimes relating to drugs and theft, there was potential for traffic related offences and public disorder.

LICENSING SUB-COMMITTEE - 11.9.2013

- f. Public safety should be carefully considered, especially in relation to Oakwood Park, the entrances to which were all tight and difficult and which were almost always parked up with traffic. No restrictions were set on numbers attending events, but the park's entrances were small and not able to be amended. There should be capacity limits in place. There was nothing which satisfactorily set out how potentially large numbers of members of the public would get safe entry.
 - g. It was almost certain that events in Oakwood Park would cause public nuisance, from people and traffic in these small residential roads and noise. 150 houses backed onto Oakwood Park, and there were many more residences on the other sides of the roads and surrounding streets.
 - h. Disturbance would also come from preparation and take-down from events. A wide range of activities were sought, including indoor sporting events which would require a build of some form of indoor arena.
 - i. Noise issues were inadequately dealt with: the conditions did not set out an appropriate noise level and there was no evidence that noise nuisance would be prevented.
 - j. Safety of children was also a concern. Traffic around the entrances and exits would be a significant danger to children. Build up and take down of events in an area where children were playing was nonsensical. Events, for example boxing, may be visible from upper floors of local residences and could be scarring for children.
 - k. Conditions should take account of the individual location. The Oakwood Park area was fully residential and had an inadequate road system for these purposes. Granting the licence would permit the park to be used every day between 08:00 and 23:00.
3. The statement of Mrs Joan Yates, further to written representations (page 192) in respect of the application for premises licence for Library Green, highlighting that local residents felt privileged to live in such a special area and were custodians of it for future generations: such licensed entertainments would ruin its tone, peace and tranquillity.
 4. The statement of Mr Geoffrey Yates, further to written representations (page 191) in respect of the application for premises licence for Library Green, including the following points:
 - a. Concerns regarding the poor publicity of the application and many residents were unaware.
 - b. The potential for noise was the primary reason for objection. Previous events on Library Green had generated excessive noise, which had led to complaints and a visit from noise abatement officers to get the volume reduced.
 - c. As the activities proposed referred to films, this would involve amplified sound and some sort of construction on Library Green for projection, to which he would also object.
 - d. The letter from the Parks Service referred to noise assessments, but as a sound engineer he pointed out it would be impossible to undertake a noise assessment prior to the commencement of an event as suggested.

LICENSING SUB-COMMITTEE - 11.9.2013

- e. The number of regulated activities for Library Green was limited, and he would suggest that they should be ruled out entirely and completely.
5. The statement of Mr Michael Clary, further to written representations (page 173-174) in respect of the application for premises licence for Grovelands Park, including the following points:
- Having been involved in organising the recent centenary event in Grovelands Park, he was aware of the enormous amount of planning before that event and was concerned at the implication there may be only 28 days' notice of events of that size, as there were many issues to be discussed with residents and a much longer consultation period was necessary.
 - He was concerned at the blanket application across all parks as the conditions and locations were all different.
 - Opening until 23:00 was concerning as people may be in the park after dark unsupervised, posing a risk and attracting youths, etc.
 - The so-called assurances in the letter from the Parks Service were worthless, and could not tie the hands of successors or future Council administrations. The promises on restrictions made by the officers should be included in the licence applications.
6. The statement of Ms Alison Mason, further to written representations (page 144-146) in respect of the application for premises licence for Grovelands Park, including the following points:
- She represented Grovelands Residents' Association and the local Neighbourhood Watch. There were many more than 45 objectors.
 - The blanket application was inadequate for the series of parks with their different road restrictions and residential areas. Conditions should be tailored to individual locations. It was a huge disservice to residents and park users who wanted their quiet green spaces protected.
 - Currently the park was shut at dusk. Grovelands Park was bounded on almost every side by residences and gardens up to its perimeter. It was a concern that criminals may escape into the park at night.
 - Grovelands Park had no area of flat land which would lend itself to entertainment. This park was entirely unsuitable for events.
 - The park was part of a Grade II listed landscape, classified as 'at risk' because of poor management. More regular use would be contrary to creating an appropriate management scheme for the park.
 - There was already community use of the park eg. Park Run on Saturday mornings. Major events would cut across such activities.
 - Her experience of the centenary event was that disruption and effect on local residents was huge, but was accepted as the event was one-off and was organised by local people for the local community, and not an external organisation.
7. Interested parties responded to questions as follows:
- In response to Councillor Levy's queries regarding the way the Parks Service may work with local organisations, it was advised that residents

LICENSING SUB-COMMITTEE - 11.9.2013

wanted criteria firmly built into the licence to ensure smooth running of events, and that residents wanted a proper say in whether an event went ahead or not. The recent centenary event at Grovelands Park was organised with proper negotiation and due consideration to residents and finished by 19:30. It was also acceptable as it was such a rare event. A premises licence would be a formal legal document, but the conditions needed to be sufficiently tight to give certainty to the Council and residents.

b. In response to Councillor Savva's queries, it was advised that around 12,000 people attended the Grovelands Park centenary event over the entire weekend, with a maximum of 2,000 to 3,000 there at any one time. It was known that many residents experienced disturbance and nuisance, but considered it acceptable in this special case which was a celebration of the park and was attended by the local community. Most attendees walked there so there were no parking issues unlike an event from outsiders.

c. In response to Councillor Savva's question about activity and establishments at Grovelands Park, it was advised that Priory Hospital and Popcorn Nursery operated there, and that the tennis courts were used regularly through the week and weekends.

d. In response to Councillor Levy's queries about crime and disorder issues affecting current parks operations and impact on local residents, it was reported that young people often lit fires on the outskirts of Grovelands Park, especially behind Queen Elizabeth's Drive homes. Interested parties maintained that parks were closed at dusk so that there was no access to the public to prevent potential crime and disorder.

e. Councillor Levy asked for views on activities being controlled by the proposed licence. It was considered that the effect would be negative as more people would be attracted to the parks by events and they may not be people who lived locally or had any vested interest in the fabric of the park. More crime would follow where there was a greater congregation of people. Likely crime could also include traffic issues and public order issues.

f. It was confirmed that the Police had not made representation against any of the applications.

8. The statement of Matthew Watts, Parks Business Strategy and Partnerships Manager, as applicant, including the following points:
 - a. The reasons for the applications were summarised in the agenda.
 - b. He would highlight positive impacts of events organised in parks which could be of great benefit and value for the community, especially the Autumn Show, Race for Life and similar.
 - c. Each year there were over 100 events held in parks, some large scale, but the majority – over 90% last year – were small community events organised by the community for the community. Under current arrangements it was necessary for apply for a Temporary Event Notice (TEN) which had a financial cost.
 - d. In the eight parks where a premises licence was already in place, event organisers did not face this bureaucracy. Premises licences were therefore sought for other parks to reduce this layer of red tape and to enable mainly

LICENSING SUB-COMMITTEE - 11.9.2013

Friends of Parks and voluntary groups to have a reduced burden when organising events of value to the community.

- e. There was an application process and questionnaire for parks' use via the Parks Service to ensure events were managed appropriately.
- f. Demand to use parks had increased in the last two years.
- g. An events guidance document had been produced recently, to assist management of events in an effective way. The Parks Service had consulted widely on the events guidance document
- h. A 28 day consultation had been agreed for all large events. From that, the actions followed which were needed for its management, including noise, traffic and litter.
- i. The aim of these applications was not to sanction large events, but to reduce the burden on community groups so that they could concentrate on organising their event appropriately.
- j. Premises licences had been operating for a number of years at eight parks without any problems.
- k. The Parks Service gave a commitment they would continue to work with local people so that events would not impinge on local residents.

9. The meeting was adjourned briefly for a comfort break.

10. Matthew Watts and Hakema Anderson (Senior Business Support Officer) responded to queries as follows:

- a. In response to Councillor Delman's queries regarding the extent of the applications and lack of differentiation between them, it was advised that the applications were prepared to cover a wide spectrum of events that may take place in parks. If narrow hours were set on a licence, anyone wishing to organise something outside that would have to apply for a TEN.
- b. In response to Councillor Levy's further queries about the rationale for a terminal hour of 23:00, this was advised as also so as not to put on limitations and to cover many sorts of events. The only late event currently was the annual firework show in Town Park, which needed a licence for elements such as amplified music.
- c. In response to Councillor Levy's queries regarding why the applications were identical for different parks, it was advised that certain parks were more suitable for certain activities, but from a licensing perspective it was wished for a licence to cover all eventualities, and for the Council to work with the community and organisations to mitigate any issues. Some parks were more suitable for events. This was also acknowledged in the events guidance document, and most large events would be held in Town Park or Trent Park.
- d. In response to Councillor Delman's question why maximum numbers who would be permitted in each park were not specified, it was advised that on the receipt of any application for a large event, a safety advisory meeting would be scheduled including the Police, Fire Brigade and any other relevant statutory bodies to discuss its suitability for progression and any measures needed for its control. This was the process used to

LICENSING SUB-COMMITTEE - 11.9.2013

understand requirements of the event, whether it was suitable in the first place, and how it should be managed.

e. In response to Councillor Delman's queries regarding protection and enhancement of parks and open spaces and Council policies, it was confirmed that licences were not sought to the detriment of parks, but to encourage community events, free up the processes, and ensure events were properly managed and safeguarded. Events brought people into the borough's parks and demonstrated what fantastic facilities they were. Events that had long term impacts would not be permitted.

f. In response to Members' queries, while noting that this application did not seek sale or consumption of alcohol, it was advised that parks bye laws were in place that were enforceable if people brought alcohol into parks. Large events would have a Police presence.

g. In response to Councillor Levy's further queries, it was confirmed that safety advisory meetings were held before all large scale events and traffic management was always considered. It was also confirmed that Friends of Parks groups' representatives were also invited to safety advisory meetings. Partnership and liaison officers, who were in contact with the Friends' groups, were involved in these meetings.

h. In response to Councillor Savva's query, it was advised that a debrief meeting was also held following every large event, and if there had been any issues, measures were put in place to deal with them in the future. There had been no particular crime and disorder issues at events, and the Council worked closely with the Parks Police and Metropolitan Police. No Police representatives were at this hearing as they had no objections to the licence applications.

i. Councillor Levy asked for comments regarding fears expressed by local residents in the letters of objection. Parks Service officers advised that they had received no approaches to hold a large music event, but any application would be assessed on its merits, considering the park and the local residents. This was why there was a consultation period for large events. It was recognised that events brought the community together, but the Parks Service did not wish to enable anything to the detriment of the parks or local residents.

j. In response to Councillor Levy's further queries regarding consultation, it was confirmed that the Parks Service wished to work closely with Friends of Parks groups, and that the reason for the applications was essentially to assist the voluntary sector, and better equip them to organise events.

k. Councillor Levy asked for further details regarding operational management of events and Conditions 4 and 5 in particular. It was advised that risk assessments would be used to ensure measures were in place to ensure the safety of those attending and to minimise inconvenience to residents. For large scale events there was an emergency evacuation plan and a fire risk assessment.

l. In response to Councillor Levy's further queries, it was confirmed that many of the parks listed had not had large scale events and may not have them in the future.

LICENSING SUB-COMMITTEE - 11.9.2013

m. In response to Councillor Delman's queries, it was advised by the Legal Services representative that there had been guidance that parking issues did not strictly form part of the licensing objectives, but it appeared that parking was considered when assessing events for parks.

n. In response to interested parties' questioning of the adequacy of 28 days' public consultation, it was advised that the Parks Service required applications for large events a minimum of 90 days in advance, to enable safety advisory meetings to be scheduled and sufficient notice provided to the organiser. It would therefore be difficult to have a longer consultation period. The Chairman requested that questions should concentrate on the applications and licensing objectives. The Legal Services representative advised that a TEN could be submitted with 10 days' notice.

o. It was confirmed that any party, including external organisations, would be able to apply to hold events in parks, but did not necessarily mean they would be permitted. A premises licence would provide a greater control mechanism. Any party could currently apply under a TEN.

p. In response to queries regarding the weight which should be given to the events guidance document, it was confirmed that the guidance document was adopted in 2012 to cover five years up to 2017 and set out how the Parks Service wanted to manage events. It was acknowledged that if there was a fundamental change to the type of events there may be a need for a change to the way events were managed, but the Parks Service wanted events that were good for parks, residents and the borough.

q. In response to interested parties' queries as to why, to make procedures more simple for mainly small community events, it was necessary to apply for a licence to cover events for numerous attendees, until late at night, and that could be commercially run, it was advised that such premises licences would allow flexibility. The licences were not directed at any particular events organiser, but were to streamline the processes.

r. It was confirmed that a bond of between £500 and £5000 was taken from event organisers, to be retained if there was litter or damage as a result of their event. If there was litter in surrounding streets, the Council would clear that and charge the organiser: this had happened in the past.

s. In response to the query as to why events could not all be held in Town Park rather than Library Green, it was advised that Library Green was a great outdoor location adjacent to the town centre and library and could be a good location for some events appropriate to that site.

t. In response to queries regarding Oakwood Park, it was confirmed that there had been no events in 2013 at Oakwood Park to date. No evidence was therefore available of events' impact.

u. It was advised that a TEN could be applied for a maximum of ten events in any one park per year. Even if a premises licence was in place, a TEN could be applied for to hold events not governed by that licence.

v. In response to the question whether it would be appropriate for the events guidance document to be incorporated as a condition on the licence, it was confirmed that appropriate conditions would be considered

LICENSING SUB-COMMITTEE - 11.9.2013

- by the sub-committee. It was confirmed that the Parks Service expected the guidance document to be in place until 2017.
- w. In response to further queries regarding conditions, it was advised that officers worked with organisers to help with effective risk management.
- x. It was confirmed it was not intended that premises licences be limited to voluntary groups: it was not wished to preclude applications from other organisations which may be of benefit to the community.
11. The closing statement of Mark Galvayne, Principal Licensing Officer, including the following points:
- a. Confirmation that if the sub-committee were minded to refuse the applications, they would not be refusing any events from taking place. A TEN may be given for events for any place for up to 21 days in a year for up to 500 people.
 - b. If the applications were granted, the conditions set out on page 7 – 8, with any additional conditions set by the sub-committee, would be imposed, and would be enforceable. If licence conditions were breached, the licence holder would be subject to a maximum penalty on conviction of a £20,000 fine and six month imprisonment.
 - c. The Licensing Sub-Committee must take such steps as considered appropriate for the promotion of the licensing objectives.
12. The closing statements of the interested parties, including the following:
- a. The applications did not promote the licensing objectives. They did not have proper conditions. There should be limits on the hours and days of operation and an objective number of events, which should also be limited to voluntary groups. It should be insisted that the events guidance document be incorporated as a condition as there was no guarantee that document would not be changed.
 - b. It had been stressed that the licence applications were made to maximise flexibility, but from residents' point of view that was exactly the problem. Residents wished to see something more restrictive, particularly in relation to amplified music, and volume levels.
 - c. Where residents' homes backed onto parks, use of amplified music should be considered wholly unacceptable. Residents did not want events which affected their personal lives and living conditions, including littering, noise and disruption.
 - d. No licence should be granted for Library Green: it was pointless given the proximity of Town Park.
 - e. Parks and green open spaces were treasured areas for local residents and the onus should be on protecting the landscape and wildlife.

RESOLVED that

1. In accordance with the principles of Section 100(A) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involves the likely

LICENSING SUB-COMMITTEE - 11.9.2013

disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

The Licensing Sub-Committee retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

2. The Licensing Sub-Committee RESOLVED that the applications be granted in full as follows:

OAKWOOD PARK – Plays, Films, Indoor sporting events, Boxing or wrestling entertainments, Live music, Recorded music, Performances of dance & Open to the public to take place indoors & outdoors, on every day of the week, between 08:00 and 23:00.

GROVELANDS PARK - Plays, Films, Indoor sporting events, Boxing or wrestling entertainments, Live music, Recorded music, Performances of dance & Open to the public to take place indoors & outdoors, on every day of the week, between 08:00 and 23:00.

LIBRARY GREEN – Films, Recorded music & Open to the public to take place indoors & outdoors, on every day of the week, between 08:00 and 23:00.

HOLMESDALE TUNNEL OPEN SPACE - Plays, Films, Indoor sporting events, Boxing or wrestling entertainments, Live music, Recorded music, Performances of dance & Open to the public to take place indoors & outdoors, on every day of the week, between 08:00 and 23:00.

TATEM PARK - Plays, Films, Indoor sporting events, Boxing or wrestling entertainments, Live music, Recorded music, Performances of dance & Open to the public to take place indoors & outdoors, on every day of the week, between 08:00 and 23:00.

ARNOS PARK - Plays, Films, Indoor sporting events, Boxing or wrestling entertainments, Live music, Recorded music, Performances of dance & Open to the public to take place indoors & outdoors, on every day of the week, between 08:00 and 23:00.

PYMMES PARK - Plays, Films, Indoor sporting events, Boxing or wrestling entertainments, Live music, Recorded music, Performances of dance & Open to the public to take place indoors & outdoors, on every day of the week, between 08:00 and 23:00.

ALBANY PARK - Plays, Films, Indoor sporting events, Boxing or wrestling entertainments, Live music, Recorded music, Performances of dance & Open to the public to take place indoors & outdoors, on every day of the week, between 08:00 and 23:00.

DURANTS PARK - Plays, Films, Indoor sporting events, Boxing or wrestling entertainments, Live music, Recorded music, Performances of dance & Open to the public to take place indoors & outdoors, on every day of the week, between 08:00 and 23:00.

FIRS FARM PLAYING FIELDS - Plays, Films, Indoor sporting events, Boxing or wrestling entertainments, Live music, Recorded music,

LICENSING SUB-COMMITTEE - 11.9.2013

Performances of dance & Open to the public to take place indoors & outdoors, on every day of the week, between 08:00 and 23:00.

AYLANDS OPEN SPACE - Plays, Films, Indoor sporting events, Boxing or wrestling entertainments, Live music, Recorded music, Performances of dance & Open to the public to take place indoors & outdoors, on every day of the week, between 08:00 and 23:00.

ELSINGE GOLDEN JUBILEE PARK - Plays, Films, Indoor sporting events, Boxing or wrestling entertainments, Live music, Recorded music, Performances of dance & Open to the public to take place indoors & outdoors, on every day of the week, between 08:00 and 23:00.

ST JAMES PUBLIC OPEN SPACE - Plays, Films, Indoor sporting events, Boxing or wrestling entertainments, Live music, Recorded music, Performances of dance & Open to the public to take place indoors & outdoors, on every day of the week, between 08:00 and 23:00.

TILE KILN LANE OPEN SPACE - Plays, Films, Indoor sporting events, Boxing or wrestling entertainments, Live music, Recorded music, Performances of dance & Open to the public to take place indoors & outdoors, on every day of the week, between 08:00 and 23:00.

HOOD AVENUE OPEN SPACE - Plays, Films, Indoor sporting events, Boxing or wrestling entertainments, Live music, Recorded music, Performances of dance & Open to the public to take place indoors & outdoors, on every day of the week, between 08:00 and 23:00.

Conditions in accordance with Annex 02 to the report.

3. The Chairman made the following statement:

“Having carefully considered the written representations of all parties, and heard the oral submissions from five interested parties (in respect of Oakwood Park, Grovelands Park and Library Green), and the applicant, the decision of the Licensing Sub-Committee was to grant licences for each of the 15 parks as applied for in full.

The panel believes that the applicant has taken all reasonable steps to promote the licensing objectives, and that a combination of conditions 1 – 11 as proposed, and the extant Events Management Guidance document devised for operational purposes, gives strength to the licence and supports all the four licensing objectives.

In making this decision, the Licensing Sub-Committee acknowledges the concerns and reservations of all interested parties who had made submissions, the strength of feeling, and the weight of opinion. But we felt that those concerns were largely borne of speculation, conjecture, and assumption, and provided insufficient if any evidence to weight the argument in favour of any other decision.

LICENSING SUB-COMMITTEE - 11.9.2013

Therefore, the Licensing Sub-Committee did not feel it appropriate to amend the terms of the licence or the conditions to further promote the licensing objectives.

Although the interested parties made their case with passion, the onus is on them to demonstrate that either refusal or amendment of the licence as applied for was appropriate. And, regrettably, this hurdle was not overcome.”

282 MINUTES

RECEIVED the minutes of the meetings held on 10 April and 3 July 2013.

AGREED that the minutes of the meetings held on 10 April and 3 July 2013 be confirmed and signed as a correct record.